



Customer No. 22,852  
Attorney Docket No. 05638.0018

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Jörg BERNARD et al.	)	Group Art Unit: 1761
	)	
Application No.: 10/088,602	)	
	)	Examiner: L. Wong
Filed: August 23, 2002	)	
	)	
For: HARD CANDY WITH	)	Confirmation No. 6889
IMPROVED STORAGE	)	
STABILITY	)	

**MAIL STOP RCE**  
**Assistant Commissioner for Patents**  
**Washington, DC 20231**  
**BOX: PCT**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO/SB/08. This Information Disclosure Statement is being filed with a Request for Continued Examination.

Copies of the listed foreign and non-patent literature documents are attached. The following are listed on the accompanying PTO/SB/08 and are in a non-English language:

1. WO97/30598 - In lieu of a statement of relevance or English translation, enclosed is the corresponding U.S. Patent Application No. 09/125,702, setting forth the relevance of this document.

2. E 195 32 396 C2 - In lieu of a statement of relevance or English translation, enclosed is the corresponding U.S. Patent Application No. 09/030,295, setting forth the relevance of this document.

In lieu of a statement of relevance or the translation of the non-English documents, WO98/39978, WO97/08958, WO97/30598, and EP 0625578, enclosed is an English-language international search report from the European Patent Office in the PCT international application, from which this national phase U.S. application is derived, citing these documents and setting forth the relevance thereof.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

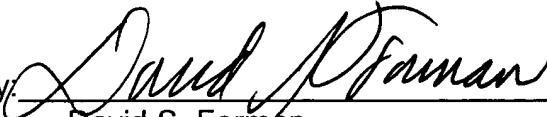
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

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please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 19, 2005

By:   
David S. Forman  
Reg. No. 33,694

IDS Form PTO/SB/08: Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	10/088,602
Filing Date	August 23, 2002
First Named Inventor	Jörg BERNARD et al.
Art Unit	1761
Examiner Name	L. Wong
Attorney Docket Number	05638.0018

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-4,323,588	04-06-1982	Vink et al.	
		US-4,117,173	09-26-1978	Schiweck et al.	
		US-4,587,119	05-06-1986	Bucke et al.	
		US-4,971,798	11-20-1990	Coia et al.	
		US-			

**Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**

FOREIGN PATENT DOCUMENTS						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		0 438 912 A2	07-31-1991	Warner-Lambert Co.		
		WO98/39978	09-17-1998	Sudzucker Aktiengesellschaft Mannheim/Ochsenfurt		Abstract
		WO97/08958	03-13-1997	Sudzucker Aktiengesellschaft		Abstract
		WO97/30598	08-28-1997	Sudzucker Aktiengesellschaft		No
		0 625 578 A1	11-23-1994	Sudzucker Aktiengesellschaft Mannheim/Ochsenfurt		No
		0 303 295	02-15-1988	Mitsubishi Kasei Corp.		
		195 32 396 C2	03-06-1997	Sudzucker Aktiengesellschaft Mannheim/Ochsenfurt		No

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		I. WILLIBALD-ETTL et al., "Confections Containing Sweetener", U.S. Serial No. 09/125,702.	
		K. RAPP et al., "Sugar-free Products with Improved Characteristics", U.S. Serial No. 09/030,295.	

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.